



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference P200200686 WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/09657	International filing date (day/month/year) 29.08.2003	Priority date (day/month/year) 23.09.2002	
International Patent Classification (IPC) or both national classification and IPC H04B1/707			
Applicant TELEFONAKTIEBOLAGET L M ERICSSON (PUBL) et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 17.03.2004		Date of completion of this report 30.12.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Bossen, M Telephone No. +49 89 2399-7120 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/09657

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-22 as originally filed

Claims, Numbers

1-21 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application,

☐ claims Nos.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1, 11 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☒ the claims, or said claims Nos. 1, 11 are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. -

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

- 1 The independent claims 1 and 11 are not supported by the description as required by Article 6 PCT, as their scope is broader than justified by the description and drawings. The reasons therefor are the following:
- 2 The Preliminary Examination Guidelines III, 6.1 and 6.2 stipulate the extent of generalisation permissible in a claim.
- 3 In the present case the invention is concerned with advances in a known technology, namely detection of the Acquisition Indicator CHannel (AICH) in a User Equipment (UE) using UMTS technology. This is clear from the state of the art (cf. page 1, line 8 - page 2, line 12) the problem of the state of the art (cf. page 2, lines 14-18) as well as the solution proposed in the description.
- 4 The independent claims 1 and 11 go beyond the invention in that they concern detection of **any** signal.
- 5 It is to be noted that the general statements as to the invention (cf. page 2, line 21 - page 7, line 3) do not provide the necessary support in that they only broadly define the problem to be solved by the invention and/or amount to repeating the content of the claims.
- 6 In claims 1 and 11 the wording *at least one signal group* and *one or more weight factors* allows the interpretation that the invention is to be used also with a signal comprising exactly one group. In that case the subject-matter of claims 1 and 11 does not differ from the state of the art as described on page 2, lines 4-7, leading to a contradiction with the description.
- 7 Claims 1 and 11 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined.
- 8 In claims 1 and 11 the feature *applying a weight factor ...* (cf. page 23, lines 13-17

resp. page 25, lines 9-11) is defined by the result to be achieved contrary to the Preliminary Examination Guidelines III, 4.7, in that the weight factors are selected to preserve an orthogonality relation. Apart from the fact that it is unclear what orthogonality relation is to be preserved and according to which reference the preservation is to be defined, such a definition is only allowed if the invention either can only be defined in such terms or cannot otherwise be defined precisely without unduly restricting the scope of the claims.

- 9 In the present case it seems possible to define the feature adequately by adding the further features of claims 6 resp. 16.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 10 Due to the deficiencies mentioned above a reasoned statement with regard to novelty, inventive step or industrial applicability cannot be issued for the time being.
- 11 It is to be noted, however, that the subject-matter of the current independent claims covers at least receiving methods and devices employing such techniques as RAKE-reception and joint-detection.
- 12 It is assumed that a multitude of other detection methods and devices, in many different technical fields, fall under the scope of the current independent claims.